

the payment of certain debts of the State out of that half of the proceeds of sales of public lands not belonging to the common school fund," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Randolph, chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 22, 1883.

Hon. Milton Martin, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 286, entitled "An act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of county clerks," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass,

All of which is respectfully submitted.

RANDOLPH, Chairman.

A message was received from the House announcing the passage by that body of substitute House bills Nos. 19, 125, 148, 270 and 274, entitled "An act to amend articles 1678, 1696, 1698, 1699, 1700, 1703, 1707, 1708 and 1709 of the Revised Civil Statutes of the State of Texas."

Referred by the President to Judiciary Committee No. 1. President laid before Senate, Senate bill No. 269, land bill, which was special order.

Senator Gibbs made a point of order that two other joint resolutions, referring to sections 4 and 6 of the same article, were still before the Senate.

Point of order sustained.

Resolution amending section 4 read.

Senator Gibbs offered the following amendment:

Amend by adding, "The State shall be and is hereby made the guarantor of all loans of school money made by State authority."

Senator Davis offered the following substitute to Senator Gibbs' amendment:

"The payment of which shall be guaranteed by the State."

Accepted.

Amendment, as substituted, adopted.

Senator Fleming moved to amend by striking out "securities," and inserting "security."

Lost.

Senator Gooch offered the following amendment:

Strike out the words "permanent and."

Adopted, and resolution ordered engrossed.

Senate joint resolution to amend section 6 of the same article was read.

Senator Gibbs offered the following amendment:

Add as follows: "and the county making the loan shall guarantee its payment."

Adopted by the following vote:

YEAS—16.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Randolph,
Collins,	Houston,	Shannon,
Fleming,	Johnson of Collin,	Stratton,
Fowler,	Patton,	Terrell,
Gibbs,		

NAYS—11.

Davis,	Johnson of Shelby,	Perry,
Evans,	Jones,	Pfeuffer,
Farrar,	Martin,	Traylor,
Getzendaner,	Matlock,	

Senator Traylor offered the following amendment:

Amend by striking out the words "permanent and."

Adopted.

Senator Davis offered the following amendment:

Strike out all after the word "invested" and add "under the direction of the commissioners' court."

Withdrawn.

Senator Matlock moved the previous question on the engrossment of the resolution.

Motion seconded, and main question ordered by the following vote:

YEAS—25.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Perry,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	Johnson of Shelby,	Shannon,
Farrar,	Jones,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor,
Getzendaner,		

NAYS—2.

Harris,

Peacock.

The resolution was ordered engrossed.

Senator Randolph moved that out of respect to the memory of George Washington, in commemoration of whose virtues this day is set apart as a national holiday, the Senate stand adjourned until to-morrow morning at 10 o'clock.

Adopted, and the Senate adjourned till that hour, by the following vote:

YEAS—20.

Buchanan,	Getzendaner,	Matlock,
Chesley,	Gibbs,	Patton,
Collins,	Gooch,	Pfeuffer,
Cooper,	Harris,	Randolph,
Farrar,	Houston,	Shannon,
Fleming,	Johnson of Shelby,	Stratton,
Fowler,	Martin,	

NAYS—8.

Davis,

Jones,

Terrell,

Evans,

Peacock,

Traylor,

Johnson of Collin.

Perry,

### THIRTY-EIGHTH DAY.

SENATE CHAMBER,

AUSTIN, February 23, 1883.

The Senate met pursuant to adjournment.

The President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain, Rev. Dr. Smoot.

On motion of Senator Peacock, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Traylor presented a petition from the commissioners' court of Palo Pinto county, asking to have the Legislature donate the State tax for 1883 and 1884 to said county, to liquidate the court house and jail tax.

Referred to Committee on State Affairs.

Senator Terrell presented a petition from citizens of Burnet county, in favor of prohibition of the importation, sale or manufacture, in Texas, of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Also, a petition from citizens of Burnet county for a constitutional amendment, prohibiting the importation, sale or manufacture of intoxicating liquors in Texas as a beverage.

Referred to Committee on Constitutional Amendments.

Also, a petition of citizens of Austin, for amendment of city charter so as to permit the issuance of bonds for sewer, street and bridge purposes.

Referred to Judiciary Committee No. 1.

Senator Johnston of Shelby, by request, presented a petition from T. J. Tandoling, asking amendments to the stock law.

Referred to Committee on Agricultural Affairs.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 283, entitled "An act to require the railroad companies in this State to allow passengers to travel on freight trains on their roads, when they do not run at least two passenger trains each way every twenty-four hours," have considered the same.

The object of the bill is to require of all railroad companies in this State, who do not send at least two passenger trains each way over their roads every twenty-four hours, that they shall permit passengers to ride on their freight trains, and proposes to exempt said railroad companies from all liability from damages to the persons of said passengers occasioned by accident while traveling on said freight trains. The committee are of opinion that it would not be wise to exempt railroad companies by statute from any liability for damages occasioned by any neglect or careless management on their part. That to pass this bill would have the effect of greatly increasing the chances of accident, and to the same extent of increasing the liability of railroad companies to vexatious damage suits, and thus work a hardship to the railroads without any corresponding benefit to the public. Premises considered, the committee are of opinion that the bill should not pass, and I am so instructed to report.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

Senator Farrar, chairman of Committee on State Asylums, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

A majority of your Committee on State Asylums, to whom was referred House bill No. 251, entitled "An act to amend article 117, section 4, chapter 1, title 8, of the Revised Statutes of Texas, providing for the maintenance of lunatics by the commissioners' courts, when they cannot be admitted into the asylum," have had the same under consideration, and instruct me to report the same back with the recommendation that it do pass.

The object of this bill is to require the State to reimburse the counties, when they have been compelled to maintain a lunatic after he has been so adjudged, and the superintendent of the asylum notified of the fact, and he cannot be received in the asylum for want of room therein. As the law now stands, the county pays the expense of maintaining the lunatic under the circumstances above mentioned. This amendment proposed by the bill simply requires the State to refund this expense to the counties, at the rate of not exceeding \$5 per week.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

Senator Patton, chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred House joint resolution No. 36, "Granting leave of absence from the State to Hon. Jno. R. Kennard, for sixty days," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 247, entitled "An act making an appropriation for the purchase of the portraits of the Presidents and Governors of Texas," have carefully examined the same, and instruct me to report the same back with the accompanying substitute for said bill, and recommend that the substitute bill do pass.

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

Senator Pfeuffer, chairman of Finance Committee, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 199, entitled "An act making an appropriation for the ordinary and regular general expenses of the State government, in support thereof, for the two years beginning March 1, 1883, and ending February 28, 1885," have carefully examined the same, and instruct me to report the same back, with the accompanying substitute, with the recommendation that the substitute do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Read first time.

Senator Perry, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 264, entitled "An act to amend articles 4370, 4371 and 4372, of the Revised Statutes, providing for the laying out and opening of public roads," have had the same under advisement, and a majority of said committee instruct me to report the same back with the recommendation that it do pass.

PERRY, Chairman.

Bill read first time.

Senator Terrell, by permission, presented a petition from W. Y. Fowler, Ellen Burnham and others, of Burnet county, asking a constitutional amendment prohibiting the importation, sale or manufacture of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Buchanan introduced a bill to be entitled "An act to amend article 420, chapter 4, title 17, of the Revised Statutes."

Referred to Committee on Educational Affairs.

Senator Collins, by request, introduced a bill, "An act amendatory of an act entitled 'an act to repeal all laws granting land or land certificates to railroads,' etc., approved April 22, 1882."

Referred to Committee on Internal Improvements.

Senator Jones introduced a bill to be entitled "An act to amend article 4687 of the Revised Civil Statutes of the State of Texas."

Referred to Committee on Internal Improvements.

Senator Davis moved to reconsider the vote by which the amendment to section 3, article 7, of the State Constitution was ordered engrossed.

Also, the vote by which the amendment to section 4, article 7, of the State Constitution was ordered engrossed.

And, also, the vote by which the amendment to section 6, article 7, was ordered engrossed.

Senator Houston moved to lay the motion to reconsider the engrossment of the amendment to section 3, article 7, of the State Constitution, on the table.

Adopted by the following vote:

YEAS—17.

Chesley,  
Collins,  
Cooper,  
Fleming,  
Fowler,  
Gibbs,

Harris,  
Houston,  
Jones,  
Martin,  
Patton,  
Peacock,

Perry,  
Pfeuffer,  
Randolph,  
Shannon,  
Stratton.

NAYS—11.

Buchanan,  
Davis,  
Evans,  
Farrar,

Getzendaner,  
Gooch,  
Johnson of Collin,  
Johnston of Shelby,

Matlock,  
Terrell,  
Traylor.

Senator Davis moved to postpone the regular order of business, being Senate bill No. 269, with regard to selling and leasing the school lands, etc., of the State, and take up Senate joint resolution No. 23, with committee substitute, all being with regard to district taxation for school purposes, which was considered as part of the unfinished

business, being in relation to taxation for school purposes.

Adopted, and the joint resolution taken up.

As the committee substitute had not been returned from the printer, on motion of Senator Davis, the joint resolution No. 23, just taken up, was postponed until to-morrow after the morning call (February 24).

On motion of Senator Houston, Senate bill No. 269, with regard to the sale and lease of school lands, etc., being the special order, and which had been postponed to take up Senate joint resolution No. 23, was taken up for consideration.

Senator Davis offered the following amendment:

Amend the caption and section, by adding, after "school," the words "or university," so as to make the bill embrace university lands.

Adopted.

Senator Houston offered the following amendment:

In section 2, line 5, strike out the word "Governor."

Senator Terrell offered the following substitute for the pending amendment:

Strike out, in lines 4 and 5, section 1, the words "Attorney-General, Comptroller, Treasurer and Secretary of State," and insert, at end of line 7, the words "and three others, who shall be appointed by the Governor, and who shall, in addition to the oath required by law of all officers, swear that they will not be interested, directly or indirectly, in the purchase or lease of any school lands."

Senator Jones moved the previous question on the substitute and amendment.

Motion seconded and main question ordered.

The substitute of Senator Terrell was lost, by the following vote:

YEAS—5.		
Chesley,	Davis,	Terrell.
Collins,	Houston,	
NAYS—23.		
Buchanan,	Gooch,	Peacock,
Cooper,	Harris,	Perry,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Johnson of Shelby,	Randolph,
Fleming,	Jones,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.
Gibbs,	Patton,	

Senator Houston's amendment, by unanimous consent, was withdrawn.

Senator Matlock offered the following amendment:

Strike out "Attorney-General, Treasurer, and Commissioner of General Land Office."

Senator Pfeuffer offered the following substitute to section 2 and pending amendment:

"The management of said lands, and their disposition by sale or lease, as hereafter prescribed, shall constitute a special branch of the Land Office, to be known as the 'Educational Land Bureau,' consisting of the Commissioner of General Land Office, one chief clerk, to be appointed by the Governor, one draft-man, and four assistant clerks, to be appointed by and under the supervision and control of the chief clerk of said Educational Land Bureau."

Lost by the following vote:

YEAS—6.		
Collins,	Martin,	Terrell,
Houston,	Pfeuffer,	Traylor.
NAYS—22.		
Buchanan,	Getzendaner,	Matlock,
Chesley,	Gibbs,	Patton,
Cooper,	Gooch,	Peacock,
Davis,	Harris,	Perry,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Johnson of Shelby,	Shannon,
Fleming,	Jones,	Stratton,
Fowler,		

Senator Matlock's amendment was lost.

Senator Davis offered the following amendment:

Strike out the "heads of departments," in section 2, and insert the "judges of the Supreme Court, the Court of Appeals and the Commission of Appeals."

On motion of Senator Fowler, the amendment of Senator Davis was tabled.

Senator Traylor offered the following substitute for section 2:

SEC. 2. There shall be, and is hereby created a State land board, which shall be composed of the Commissioner of the General Land Office and two other persons, to be appointed by the Governor and confirmed by the Senate, who shall each give a bond of fifty thousand dollars, to the Governor of the State, for the faithful performance of the duties hereby imposed, who, in connection with the Commissioner of the General Land Office, shall exercise the powers and perform the duties hereinafter prescribed.

Lost.

Senator Fleming offered the following amendment to section 4:

Amend by striking out in line 19, section 4, after the word "than," the word "two" and insert "one," and in line 1, page 2, the word "three" and insert the word "two," so as to fix the minimum price at one dollar per acre for unwatered, and two dollars per acre for watered lands.

A message was received from the House informing the Senate of the passage by that body of substitute Senate bill No. 41, "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys, and district clerks for services rendered in certain felony cases."

Also, substitute Senate bill No. 108, "An act to amend title 11, chapter 3, of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

Senator Randolph moved the previous question on amendment. Motion seconded, and main question ordered.

Amendment lost by the following vote:

YEAS—6.		
Chesley,	Johnson of Collin,	Perry,
Fleming,	Martin,	Shannon,
NAYS—21.		
Buchanan,	Getzendaner,	Patton,
Collins,	Gibbs,	Peacock,
Cooper,	Gooch,	Pfeuffer,
Davis,	Harris,	Randolph,
Evans,	Houston,	Stratton,
Farrar,	Jones,	Terrell,
Fowler,	Matlock,	Traylor.

Senator Davis offered the following amendment:

Amend by striking out all from "lands" to "may," in sixteenth line, page 5.

Senator Patton, chairman of Committee on State Affairs, submitted the following reports, by consent of the Senate:

COMMITTEE ROOM,  
AUSTIN, February 23 1883

Hon. Marion Martin, President of the Senate.

Your Committee on State Affairs, to whom was referred a petition from citizens of the town of New Braunsfels, asking for the privilege of contracting their corporate limits, have had the same under consideration, and, being of opinion that the rights specially prayed for should be accorded to all cities and towns, and the subject matter become a general law, have instructed me to report the following bill, as covering the subject matter, viz:

A bill to be entitled "An act to amend title 17, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 303a and 303b."

Which bill is herewith presented, with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Chairman

COMMITTEE ROOM,  
AUSTIN, February 22, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred the petition of B. D. Bassford, setting up the fact of his services rendered, on or about the years 1838 or 1839, in a spy company upon the frontier of Texas, and praying some relief or compensation therefor, have had the said petition under consideration, and instruct me to report upon the same as follows:

While your committee have no reason to doubt the correctness of every statement made in said petition, and believe the case of the petitioner has merits, yet they do not believe it would be wise or safe to relax or qualify the rules heretofore prescribed, concerning the proof necessary to be made in such cases. Your committee are informed that the petitioner is a man of the highest personal character and an old and worthy citizen of Travis county, and that he is now old, infirm in health and in need of the relief for which he prays. But while we appreciate the merits of his case, and the hardship that a denial of his petition may entail, yet we feel constrained to report adversely upon it, because we do not feel that we are authorized to make an exception in any individual case; for, to do so, would be to open the gates to a flood of similar petitions, which must be either arbitrarily denied, or which, if granted, would practically annul the law requiring certain proof in such cases.

That hardship must occur in some individual cases, is the inevitable consequence of the operation of every human law; and while we would most cheerfully advocate and support any measure looking to the relief of the petitioner, if justified by the Constitution and law, we cannot, in the present case, do otherwise than recommend that this petition do lie on the table.

PATTON, Chairman.

On motion of Senator Patton, the Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

The unfinished business, Senate bill No. 269, on selling and leasing school lands, was taken up, the amendment of Senator Davis pending.

Amendment lost.

Senator Jones offered the following amendment:

Amend by striking out "Secretary of State," in line 6 of section 2.

Adopted.

Senator Houston offered to amend by adding to section 4 the words "and classed as timbered lands."

Adopted.

Senator Houston offered the following amendment:

Add to section 17: "And provided further, that when a sale is made of leased lands, then the lessee shall be entitled to have a pro rata of any rent which he shall have paid in advance refunded to him by the Treasurer of the State, upon warrant drawn by the Comptroller by order of the Land Board."

Senator Davis offered the following amendment to the pending amendment:

"And the purchaser shall pay the lessee his damages caused by the cancellation of the lease."

Lost by the following vote:

YEAS—5

Davis,	Johnson of Collin,	Pfeuffer.
Gibbs,	Martin,	

NAYS—22.

Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Randolph,
Evans,	Johnston of Shelby,	Shannon,
Farrar,	Jones,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

The pending amendment of Senator Houston was then adopted.

Senator Chesley offered the following amendment:

Amend section 17 by adding to the section the following:

"Provided further, that no leased lands enclosed by a fence shall be subject to sale."

A message was received from the House informing the Senate of the passage by that body of substitute House joint resolutions Nos. 68 and 27 by committee, "Joint resolution to amend section 9, article 8 of the Constitution of the State of Texas."

The President referred joint resolution to Committee on Constitutional Amendments.

Senator Davis offered the following substitute for the pending amendment:

Amend by striking out the seventeenth section.

Senator Stratton moved the previous question on amendments.

Motion seconded, and main question ordered.

Senator Davis's amendment was lost by the following vote:

YEAS—11.

Collins,	Gibbs,	Pfeuffer,
Davis,	Harris,	Randolph,
Farrar,	Johnson of Collin,	Stratton.
Getzendaner,	Martin,	

NAYS—17.

Buchanan,	Gooch,	Peacock,
Chesley,	Houston,	Perry,
Cooper,	Johnson of Shelby,	Shannon,
Evans,	Jones,	Terrell,
Fleming,	Matlock,	Traylor.
Fowler,	Patton,	

Senator Chesley's amendment was lost by the following vote:

YEAS—10.

Chesley,	Gibbs,	Pfeuffer,
Collins,	Johnson of Collin,	Randolph,
Davis,	Martin,	Stratton.
Getzendaner,		

NAYS—18.

Buchanan,	Gooch,	Patton,
Cooper,	Harris,	Peacock,
Evans,	Houston,	Perry,
Farrar,	Johnston of Shelby,	Shannon,
Fleming,	Jones,	Terrell,
Fowler,	Matlock,	Traylor.

Senator Matlock raised a point of order that an amendment was not in order, unless offered by a member after obtaining the recognition of the President.

Sustained by the chair.

But as the pending amendment was embraced in the previous question, it must be put and voted on.

Senator Chesley offered the following amendment:

Amend section 15, line 5, by striking out "two" and inserting "five."

Lost.

Senator Gibbs offered the following amendment:

Amend line 22, section 17, strike out "commence building," and insert "build and fence."

The Senate voted on the amendment as follows:

YEAS—14.

Collins,	Getzendaner,	Martin,
Cooper,	Gibbs,	Pfeuffer,
Davis,	Harris,	Randolph,
Farrar,	Johnson of Collin,	Terrell.
Fowler,	Jones,	

NAYS—14.

Buchanan,	Houston,	Perry,
Chesley,	Johnson of Shelby,	Shannon,
Evans,	Matlock,	Stratton,
Fleming,	Patton,	Traylor.
Gooch,	Peacock,	

The vote being a tie vote, the President voted in the affirmative, which adopted the amendment.

Senator Davis offered the following amendment:

Amend by adding after "purchaser," page 2, line 17, "not to exceed three sections to any one person, either directly or indirectly."

Senator Traylor offered the following amendment to the amendment:

Amend section 6, line 16, as follows: Strike out "but when the same is classed as pasture land the same may be sold in quantities to suit the purchaser," and insert "nor more than seven sections, when the same is classed as pasture lands."

Senator Houston moved the previous question on amendments and bill.

Motion seconded and main question ordered.

Senator Traylor's amendment was lost by the following vote:

YEAS—12.

Chesley,	Getzendaner,	Randolph,
Davis,	Harris,	Stratton,
Fleming,	Houston,	Terrell,
Fowler,	Pfeuffer,	Traylor.

NAYS—16.

Buchanan,	Gooch,	Matlock,
Collins,	Johnson of Collin,	Patton,
Cooper,	Johnston of Shelby,	Peacock,
Evans,	Jones,	Perry,
Farrar,	Martin,	Shannon.
Gibbs,		

Senator Davis' amendment was lost by the following vote:

YEAS—10.

Chesley,	Getzendaner,	Randolph,
Davis,	Harris,	Stratton,
Fleming,	Pfeuffer,	Traylor.
Fowler,		

NAYS—18.

Buchanan,	Gooch,	Matlock,
Collins,	Houston,	Patton,
Cooper,	Johnson of Collin,	Peacock,
Evans,	Johnston of Shelby,	Perry,
Farrar,	Jones,	Shannon.
Gibbs,	Martin,	Terrell.

Bill ordered engrossed by the following vote:

YEAS—25.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gibbs,	Peacock,
Collins,	Gooch,	Perry,
Cooper,	Harris,	Shannon,
Davis,	Houston,	Stratton,
Evans,	Johnson of Collin,	Terrell,
Farrar,	Johnston of Shelby,	Traylor.
Fleming,	Jones,	
Fowler,	Matlock,	

NAYS—3.

Martin,	Pfeuffer,	Randolph.
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Senator Terrell moved to reconsider the vote just taken engrossing the bill.

Adopted, and vote reconsidered by the following vote:

YEAS—17.

Chesley,	Getzendaner,	Pfeuffer,
Cooper,	Gibbs,	Randolph,
Davis,	Harris,	Stratton,
Evans,	Houston,	Terrell,
Farrar,	Martin,	Traylor.
Fowler,	Perry,	

NAYS—11.

Buchanan,	Johnson of Collin,	Patton,
Collins,	Johnson of Shelby,	Peacock,
Fleming,	Jones,	Shannon.
Gooch,	Matlock,	

Senator Terrell offered the following amendment:

Amend by striking out the words "or corporation," in line 14, page 2, and inserting after the word "purchaser,"

in line 17, the following: "But no corporation shall acquire title under this act to more than 640 acres of land in any one county."

Senator Davis offered the following amendment to the pending amendment:

Add after "corporation" "or individual."

Senator Terrell moved the previous question on pending amendments.

Motion seconded, and main question ordered.

Senator Davis' amendment was lost by the following vote:

YEAS—8.

Davis,	Pfeuffer,	Randolph.
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NAYS—25.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Collins,	Harris,	Peacock,
Cooper,	Houston,	Perry,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnston of Shelby,	Stratton,
Fleming,	Jones,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,		

Senator Terrell's amendment was adopted by the following vote:

YEAS—19.

Buchanan,	Gibbs,	Perry,
Chesley,	Harris,	Pandolph,
Evans,	Houston,	Shannon,
Farrar,	Martin,	Stratton,
Fleming,	Patton,	Terrell,
Fowler,	Peacock,	Traylor.
Getzendaner,		

NAYS—9.

Collins,	Gooch,	Jones,
Cooper,	Johnson of Collin,	Matlock,
Davis,	Johnston of Shelby,	Pfeuffer.

Senator Farrar offered the following amendment:

Amend section 1, in line 3, by inserting after the word "university" the words "or lunatic, blind, deaf and dumb, and orphan asylum."

Senator Pfeuffer, chairman of Finance Committee, by consent, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 201, entitled "An act making appropriations for extraordinary expenses, recommended by the departments of the government, for the improvement, preservation and extension of public property and the more effective administration of the government," have carefully examined the same, and instruct me to report the same back with the accompanying substitute, and recommend that the substitute do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

Senator Harris, chairman of Committee on Judicial Districts, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts have had under consideration Senate bills, No. 252, entitled "An act to prescribe the time for holding the terms of the district court in the several counties composing the twenty-fourth judicial district;" No. 268, entitled "An act to attach certain unorganized counties to the counties of Wheeler, Oldham and Donley, for judicial purposes;" No. 137, entitled "An act to fix the time for holding the district court in the counties of the thirteenth judicial district;" and No. 242, entitled "An act to change the times of holding the district courts in the twenty-ninth judicial district of the State of Texas," and instruct me to report them back with the recommendation that they lie on the table to await action on the bill herewith reported by the joint committees of the two houses, entitled "An act to re-

organize the fourth, twelfth, seventeenth, thirty-first and thirty-fifth judicial districts, and to fix the time for holding the courts therein; and to change the times of holding the district courts in the seventh, thirteenth, fourteenth, twenty-fourth, twenty-ninth and thirty-fourth judicial districts; and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches," and recommend the passage of the bill reported.

HARRIS, Chairman.

Substitute read first time.

Senator Patton offered the following resolution:

*Resolved*, That hereafter during the present session, no member of the Senate shall speak more than twice upon any subject, and not longer than fifteen minutes at a time, except by unanimous consent of the Senate.

Which was ordered to lie over under the rules.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 23, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute to Senate joint resolution No. 2, to amend sections 3, 4 and 6, of article 7 of the Constitution of the State of Texas, and find the same correctly engrossed.

MARTIN, Chairman.

On motion of Senator Houston, the Senate adjourned till 10 o'clock a. m., to-morrow.

### THIRTY-NINTH DAY.

SENATE CHAMBER, }  
AUSTIN, February 24, 1883. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Traylor, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Peacock offered a petition from the citizens of Bowie county, for submission of prohibition amendment to the Constitution.

Referred to Committee on Constitutional Amendments.

Senator Gooch offered a memorial of certain citizens of Cherokee county, asking the approval of the penitentiary leases, forwarded about February 17, 1883.

Referred to Committee on Penitentiaries.

Senator Matlock, chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 24, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 291, entitled "An act for the relief of J. W. Chowning, H. C. Chowning, J. S. Summers, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, G. W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robison and the heirs of Uel Musick, deceased," have had the same under consideration, and find that the proper notice of application for the passage of the act has been given by publication, and have carefully examined the bill, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

MATLOCK, Chairman.

Bill read first time.

Senator Kleberg, for Senate committee to act with a like committee from the House, to visit the Alamo and inspect the same, with a view of purchase by the State of said property, submitted the following report and accompanying resolution:

COMMITTEE ROOM,  
AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. R. Gillem, Speaker of the House of Representatives:

Your committee appointed to visit San Antonio, and inspect the

Alamo, and the Milam resting place, and to secure information in regard thereto, and the graves of Fannin's and King's men, who fell at Goliad and Refugio, beg leave to submit the following report:

In accordance with instructions contained in the resolution on the seventeenth instant, your committee visited the city of San Antonio. We inspected the Alamo property, and found that the Alamo church building proper has a frontage of 72 feet and two inches in one of the most valuable blocks in the city. Upon investigation we found that unimproved property in the same vicinity is valued, and being rendered, at \$200 per foot front.

This information being derived from various real estate agents and the owners of real estate, other than the Alamo property. In the light of these facts your committee estimated that the land and the improvements thereon standing are well worth twenty thousand dollars. In this connection, your committee would suggest that the city authorities of San Antonio, and the members of the old Alamo monumental association agreed with your committee that they would unite in supervising the Alamo, and since the return of committee to the Capitol, the mayor of the city of San Antonio has officially notified his Excellency, the Governor of the State, of the passage, at a regular meeting of the city council of San Antonio, of the following resolution, to-wit:

"WHEREAS, The State of Texas is contemplating the purchase of the property known as the 'Alamo,' for the purpose of preserving it as a monument sacred to the memory of the martyrs who so gallantly perished in the defense of the liberties of their country, and the question of the care, preservation and guardianship of said property having arisen; now, therefore, in order that for all future time the State of Texas shall be free from all expense, charge, cost, or liability for the care and preservation of said property; be it

*Resolved by the city council of the city of San Antonio*, That the city of San Antonio agrees and binds itself to take care of, preserve and keep the said Alamo in good order and repair, without cost, charge, or liability to the State of Texas, and to hold the same subject at all times to any future legislation of the State of Texas; and that a copy of these resolutions, duly authenticated, be forwarded at once to his Excellency, Governor John Ireland."

In view of the facts above recited, your committee respectfully recommend that twenty thousand dollars be appropriated out of any funds in the treasury, not otherwise appropriated, the same to be devoted to the purchase by the State of the above described Alamo property.

Your committee would further state that they visited also, at San Antonio, the grave of Milam.

Your committee would further report that, from information received as to the condition of the cemeteries at Goliad and Refugio, it is such as imperatively demands public attention, and we would recommend a liberal appropriation for enclosing these resting places of the dead heroes of Texas, and for the erection of monuments to their memory.

Your committee report further, that they are in possession of letters assuring us that the town of Goliad will donate to the State all necessary grounds upon which to erect a monument, and to fully encompass the cemetery at Goliad, and will preserve the enclosure and monument, in the event said appropriation is made.

Your committee recommend that the resolution accompanying this report be adopted.

G. W. MERRIWETHER,  
M. H. TOWNSEND,  
W. T. ARMISTEAD,  
House Committee.  
R. KLEBERG,  
J. R. FLEMING,  
Senate Committee.

*Be it resolved by the Legislature of the State of Texas*, That the Governor, Attorney-General and Commissioner of Insurance, Statistics and History be and they are hereby created a board for the purpose of securing a good title to said Alamo; and if a good and valid title is made to the State, they are hereby authorized, for and on behalf of the State of Texas, to purchase said property for the sum of (\$20,000) twenty thousand dollars; and, be it further

*Resolved*, That the Committee on Finance be and are hereby instructed to report an appropriation of (\$20,000) twenty thousand dollars in the general appropriation bill, to carry out the object of this resolution.

*Resolved, furthermore*, That after the purchase of the Alamo property, it shall be under the control of the Commissioner of Insurance, Statistics and History, whose duty it shall be to make all necessary arrangements with the city authorities of San Antonio, for its proper preservation and maintenance, free of cost to the State.

*Be it resolved by the Legislature of the State of Texas*, That there be appropriated (\$3000) three thousand dollars to enclose the cemetery where Colonel Fannin and men are buried, and to erect a suitable monument to their memory, at Goliad.